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RECENT CASES.

CARRIERS—LIABILITY—INJURY TO PASSENGER—PHYSICAL CONDITION OF PASSENGER—CONTRIBUTORY NEGLIGENCE.—*ST. LOUIS S. W. RY. CO. OF TEXAS v. FERGUSON*, 64 S. W. Rep. 797 (Texas).—The railroad company allowed a car to collide with the train in which the appellee and his wife were seated. The collision was accompanied with such force that it partially knocked the appellee's wife from her seat and greatly shocked her, producing within a few days a premature birth, whereby she was permanently injured in health. *Held*, that the company was liable.

The company claimed that the collision would not have injured an ordinary passenger, and the company or its agents had no knowledge of the passenger's condition. Among other cases it cited *Car Co. v. Barker*, 4 Colo. 344, 34 Am. Rep. 89, a very similar case, in which the injury was held the remote result of the negligence. The court expressed its disapproval of this case, and followed *Brown v. Railway Co.*, 54 Wis. 360, 41 Am. Rep. 51; and *Car Co. v. Dupre*, 4 C. C. A. 540, 21 L. R. A. 289. A railway company owes a duty to persons other than those of ordinary physical condition. They are presumed to know that persons, old, decrepit, and infirm travel on their trains, and they must exercise care accordingly, *Railway Co. v. Rushing*, 69 Texas 306.

CONSTITUTIONAL LAW—EQUAL PROTECTION OF LAWS—NEBRASKA STATUTE REGULATING INSURANCE—ANTI-TRUST ACT.—*NIAGARA FIRE INSURANCE CO. v. CORNELL*, 110 Fed. Rep. 816 (Neb.).—The statute defining trusts, declaring them illegal, and all agreements in relation thereto void, in order to prevent combinations between fire insurance companies, declared void all agreements by or between insurance companies relating to the amount of commissions to be allowed agents, or the names of transacting the business of fire insurance. It expressly excepted from its provisions all associations of workmen. *Held*, that the statute was unconstitutional.

This statute deprived persons of their liberty in violation of the federal constitution, which guarantees not merely liberty of the person, but also liberty to make and enforce contracts. In excepting labor unions, it denied the equal protection of the laws to all persons not members of such organizations. *The Railroad Traffic Association Case*, 166 W. S. 290, 17 Sup. Ct. 540, was strongly urged by the defendant as upholding the doctrine of the statute. The court held that it did not, for the reason that the statute under consideration in that case was an act of Congress, and upheld by reason of the commerce clause of the constitution, while the statute in this case was a state statute.

CONTRACTS — PARTIES — KNOWLEDGE — MISREPRESENTATION.—*BARCUS v. DORRIES*, 71 N. Y., Supp. 695.—Plaintiff, under the name of Committee on Distribution, through agent, obtained defendant's order for books by falsely representing that the seller was a committee of Congress and that the books